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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,502	09/17/1999	HABIB RIAZI	3-11-3	1176
46303 7590 09/26/2008 RYAN, MASON & LEWIS, LLP 1300 POST ROAD, SUITE 205 FAIRFIELD, CT 06824				
EXAMINER DUONG, DUC T				
ART UNIT 2619		PAPER NUMBER		
MAIL DATE 09/26/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/398,502

**Applicant(s)**

RIAZI ET AL.

**Examiner**

Duc T. Duong

**Art Unit**

2619

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- 7) ☐ Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleider et al (US Patent 6,487,252 B1) in view of Laroia et al (US Patent 6,628,722 B1).

Regarding to claims 1 and 7, Kleider discloses an orthogonal frequency division multiplexing OFDM transmitter 10 (fig. 1) for transmitting an OFDM signal having a plurality of sub-carriers, comprising a differential encoder 14 for modulating said OFDM signal in the frequency domain using adjacent sub-carriers (col. 5 lines 32-40) to produce differentially encoded symbols (col. 2 lines 38-49); a plurality of frequency bins for storing one or more pilot tones to produce an analog signal centered at a desired carrier frequency (fig. 1 col. 2 lines 55-60 and col. 3 lines 47-54); and a transformer 16 for creating said OFDM signal (col. 2 lines 50-55).

Kleider fails to teach for an IFFT buffer for storing the differentially encoded symbols.

However, Larois discloses an Asymmetric Digital Subscriber Loop (ADSL) Discrete Multi-Tone (DMT) system a coder 290 having an IFFT buffer 291 for storing encoded symbols (fig. 7-8 col. 6 lines 10-49).

Thus, it would have been obvious to a person of ordinary skill in the art to include an IFFT buffer for storing encoded symbols as taught by Larois into Kleider's system to form a multi-carrier signal for transmission having a desired symbol rate.

Regarding to claims 2 and 8, Kleider discloses the transformer implements an Inverse Fast Fourier Transform (col. 2 lines 50-55).

Regarding to claims 3 and 9, Kleider discloses the transformer implements an orthogonal transformation (col. 3 lines 1-5).

Regarding to claims 4 and 10, Kleider discloses the transformer generates said OFDM signal with a plurality of sub-carriers for carrying data (fig. 5 col. 5 lines 32-40).

Regarding to claims 5 and 11, Kleider discloses for at least one unmodulated sub-carrier generated by said transforming step is allocated as a pilot bin to provide a reference within each OFDM symbol (col. 2 lines 55-57).

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 13-16 and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kleider.

Regarding to claims 13 and 18, Kleider discloses an orthogonal frequency division multiplexing OFDM receiver 30 (fig. 3), comprising a transformer 35 for recovering said OFDM signal having a plurality of sub-carriers (col. 4 lines 34-42), wherein said recovered signal contains differentially encoded symbols and one or more pilot tones and wherein said recovered signal is centered at a desired carrier frequency (col. 5 lines 32-40); and a differential decoder 32 for demodulating said OFDM signal in the frequency domain wherein said differential decoding is performed using adjacent sub-carriers (col. 4 lines 22-33).

Regarding to claims 14 and 19, Kleider discloses the transformer implements a Fast Fourier Transform (col. 4 lines 37-42).

Regarding to claims 15 and 20, Kleider discloses the transformer implements an orthogonal transformation (col. 3 lines 1-5).

Regarding to claims 16 and 21, Kleider discloses for at least one unmodulated sub-carrier generated by said transforming step is allocated as a pilot bin to provide a reference within each OFDM symbol (col. 2 lines 55-57).

6. Claims 6, 12, 17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleider and Laroia in view of Shirakata et al (US Patent 6,618,352 B1).

Regarding to claims 6, 12, 17, and 22, Kleider and Laroia disclose all the limitations with respect to claims 4, 10, 13, and 18, except that differential encoding is performed with respect to consecutive sub-carriers. However, Shirakata discloses an OFDM system in which the differential encoding is performed with respect to adjacent sub-carriers in said OFDM system (fig. 17-18 col. 14 lines 19-25). Thus, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to include such encoding as taught by Shirakata into Kleider and Laroia's system to improve the transmission efficiency when the OFDM signal is transmitted in a burst manner.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is (571)272-3122. The examiner can normally be reached on M-F (8:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/D. T. D./  
Examiner, Art Unit 2619

/Wing F. Chan/  
Supervisory Patent Examiner,  
Art Unit 2619  
9/23/08